



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2622

by Rep. Allen Skillicorn

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act. Provides that once an agreement is reached between an employer and the representative of the employees concerning all of the terms of a collective bargaining agreement, that agreement shall be reduced to writing and published on the website of the employer. Provides that not less than 14 days after publication of the agreement on its website, the employer shall hold an open public meeting on ratification of the agreement. Provides that no agreement concerning all of the terms of a collective bargaining agreement shall be ratified by the parties until after the employer publishes the agreement on its website and holds an open public meeting on ratification of the agreement. Provides that upon ratification, the agreement shall be signed by the parties. Provides that rejection of an agreement by either the employer or the representative of the employees shall not constitute an unfair labor practice. Provides that no collective bargaining agreement shall be binding until it has been ratified by a majority vote, with that vote taking place after the public meeting. Requires that any contract between a public employer and an employee under the Illinois Public Labor Relations Act, in which the total compensation exceeds \$150,000, shall also be published on the employer's website for a period of not less than 14 days prior to being signed by both the public employer and the employee. Provides that if a public contract requires board approval before it may take effect, then not less than 14 days after publication of the contract on its website, the public employer shall hold an open public meeting on the contract. Provides that no contract shall take effect until after the public employer publishes the contract on its website and holds an open public meeting on the contract. Amends the Open Meetings Act and the Freedom of Information Act to allow for open meetings and inspection and copying of records concerning specified provisions of the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act. Makes conforming changes. Effective immediately.

LRB101 08087 RJF 53150 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing  
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall  
9 be open to the public unless excepted in subsection (c) and  
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained  
12 in subsection (c) are in derogation of the requirement that  
13 public bodies meet in the open, and therefore, the exceptions  
14 are to be strictly construed, extending only to subjects  
15 clearly within their scope. The exceptions authorize but do not  
16 require the holding of a closed meeting to discuss a subject  
17 included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to  
19 consider the following subjects:

20 (1) The appointment, employment, compensation,  
21 discipline, performance, or dismissal of specific  
22 employees of the public body or legal counsel for the  
23 public body, including hearing testimony on a complaint

1 lodged against an employee of the public body or against  
2 legal counsel for the public body to determine its  
3 validity. However, a meeting to consider an increase in  
4 compensation to a specific employee of a public body that  
5 is subject to the Local Government Wage Increase  
6 Transparency Act may not be closed and shall be open to the  
7 public and posted and held in accordance with this Act.

8 (2) Collective negotiating matters between the public  
9 body and its employees or their representatives, or  
10 deliberations concerning salary schedules for one or more  
11 classes of employees, except that any meeting required  
12 under either subsection (e) of Section 7 of the Illinois  
13 Public Labor Relations Act or subsection (d) of Section 10  
14 of the Illinois Educational Labor Relations Act shall be  
15 open to the public.

16 (3) The selection of a person to fill a public office,  
17 as defined in this Act, including a vacancy in a public  
18 office, when the public body is given power to appoint  
19 under law or ordinance, or the discipline, performance or  
20 removal of the occupant of a public office, when the public  
21 body is given power to remove the occupant under law or  
22 ordinance.

23 (4) Evidence or testimony presented in open hearing, or  
24 in closed hearing where specifically authorized by law, to  
25 a quasi-adjudicative body, as defined in this Act, provided  
26 that the body prepares and makes available for public

1 inspection a written decision setting forth its  
2 determinative reasoning.

3 (5) The purchase or lease of real property for the use  
4 of the public body, including meetings held for the purpose  
5 of discussing whether a particular parcel should be  
6 acquired.

7 (6) The setting of a price for sale or lease of  
8 property owned by the public body.

9 (7) The sale or purchase of securities, investments, or  
10 investment contracts. This exception shall not apply to the  
11 investment of assets or income of funds deposited into the  
12 Illinois Prepaid Tuition Trust Fund.

13 (8) Security procedures, school building safety and  
14 security, and the use of personnel and equipment to respond  
15 to an actual, a threatened, or a reasonably potential  
16 danger to the safety of employees, students, staff, the  
17 public, or public property.

18 (9) Student disciplinary cases.

19 (10) The placement of individual students in special  
20 education programs and other matters relating to  
21 individual students.

22 (11) Litigation, when an action against, affecting or  
23 on behalf of the particular public body has been filed and  
24 is pending before a court or administrative tribunal, or  
25 when the public body finds that an action is probable or  
26 imminent, in which case the basis for the finding shall be

1 recorded and entered into the minutes of the closed  
2 meeting.

3 (12) The establishment of reserves or settlement of  
4 claims as provided in the Local Governmental and  
5 Governmental Employees Tort Immunity Act, if otherwise the  
6 disposition of a claim or potential claim might be  
7 prejudiced, or the review or discussion of claims, loss or  
8 risk management information, records, data, advice or  
9 communications from or with respect to any insurer of the  
10 public body or any intergovernmental risk management  
11 association or self insurance pool of which the public body  
12 is a member.

13 (13) Conciliation of complaints of discrimination in  
14 the sale or rental of housing, when closed meetings are  
15 authorized by the law or ordinance prescribing fair housing  
16 practices and creating a commission or administrative  
17 agency for their enforcement.

18 (14) Informant sources, the hiring or assignment of  
19 undercover personnel or equipment, or ongoing, prior or  
20 future criminal investigations, when discussed by a public  
21 body with criminal investigatory responsibilities.

22 (15) Professional ethics or performance when  
23 considered by an advisory body appointed to advise a  
24 licensing or regulatory agency on matters germane to the  
25 advisory body's field of competence.

26 (16) Self evaluation, practices and procedures or

1 professional ethics, when meeting with a representative of  
2 a statewide association of which the public body is a  
3 member.

4 (17) The recruitment, credentialing, discipline or  
5 formal peer review of physicians or other health care  
6 professionals, or for the discussion of matters protected  
7 under the federal Patient Safety and Quality Improvement  
8 Act of 2005, and the regulations promulgated thereunder,  
9 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
10 Health Insurance Portability and Accountability Act of  
11 1996, and the regulations promulgated thereunder,  
12 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,  
13 or other institution providing medical care, that is  
14 operated by the public body.

15 (18) Deliberations for decisions of the Prisoner  
16 Review Board.

17 (19) Review or discussion of applications received  
18 under the Experimental Organ Transplantation Procedures  
19 Act.

20 (20) The classification and discussion of matters  
21 classified as confidential or continued confidential by  
22 the State Government Suggestion Award Board.

23 (21) Discussion of minutes of meetings lawfully closed  
24 under this Act, whether for purposes of approval by the  
25 body of the minutes or semi-annual review of the minutes as  
26 mandated by Section 2.06.

1           (22) Deliberations for decisions of the State  
2 Emergency Medical Services Disciplinary Review Board.

3           (23) The operation by a municipality of a municipal  
4 utility or the operation of a municipal power agency or  
5 municipal natural gas agency when the discussion involves  
6 (i) contracts relating to the purchase, sale, or delivery  
7 of electricity or natural gas or (ii) the results or  
8 conclusions of load forecast studies.

9           (24) Meetings of a residential health care facility  
10 resident sexual assault and death review team or the  
11 Executive Council under the Abuse Prevention Review Team  
12 Act.

13           (25) Meetings of an independent team of experts under  
14 Brian's Law.

15           (26) Meetings of a mortality review team appointed  
16 under the Department of Juvenile Justice Mortality Review  
17 Team Act.

18           (27) (Blank).

19           (28) Correspondence and records (i) that may not be  
20 disclosed under Section 11-9 of the Illinois Public Aid  
21 Code or (ii) that pertain to appeals under Section 11-8 of  
22 the Illinois Public Aid Code.

23           (29) Meetings between internal or external auditors  
24 and governmental audit committees, finance committees, and  
25 their equivalents, when the discussion involves internal  
26 control weaknesses, identification of potential fraud risk

1 areas, known or suspected frauds, and fraud interviews  
2 conducted in accordance with generally accepted auditing  
3 standards of the United States of America.

4 (30) Those meetings or portions of meetings of a  
5 fatality review team or the Illinois Fatality Review Team  
6 Advisory Council during which a review of the death of an  
7 eligible adult in which abuse or neglect is suspected,  
8 alleged, or substantiated is conducted pursuant to Section  
9 15 of the Adult Protective Services Act.

10 (31) Meetings and deliberations for decisions of the  
11 Concealed Carry Licensing Review Board under the Firearm  
12 Concealed Carry Act.

13 (32) Meetings between the Regional Transportation  
14 Authority Board and its Service Boards when the discussion  
15 involves review by the Regional Transportation Authority  
16 Board of employment contracts under Section 28d of the  
17 Metropolitan Transit Authority Act and Sections 3A.18 and  
18 3B.26 of the Regional Transportation Authority Act.

19 (33) Those meetings or portions of meetings of the  
20 advisory committee and peer review subcommittee created  
21 under Section 320 of the Illinois Controlled Substances Act  
22 during which specific controlled substance prescriber,  
23 dispenser, or patient information is discussed.

24 (34) Meetings of the Tax Increment Financing Reform  
25 Task Force under Section 2505-800 of the Department of  
26 Revenue Law of the Civil Administrative Code of Illinois.



1           (35) Meetings of the group established to discuss  
2           Medicaid capitation rates under Section 5-30.8 of the  
3           Illinois Public Aid Code.

4           (d) Definitions. For purposes of this Section:

5           "Employee" means a person employed by a public body whose  
6           relationship with the public body constitutes an  
7           employer-employee relationship under the usual common law  
8           rules, and who is not an independent contractor.

9           "Public office" means a position created by or under the  
10          Constitution or laws of this State, the occupant of which is  
11          charged with the exercise of some portion of the sovereign  
12          power of this State. The term "public office" shall include  
13          members of the public body, but it shall not include  
14          organizational positions filled by members thereof, whether  
15          established by law or by a public body itself, that exist to  
16          assist the body in the conduct of its business.

17          "Quasi-adjudicative body" means an administrative body  
18          charged by law or ordinance with the responsibility to conduct  
19          hearings, receive evidence or testimony and make  
20          determinations based thereon, but does not include local  
21          electoral boards when such bodies are considering petition  
22          challenges.

23          (e) Final action. No final action may be taken at a closed  
24          meeting. Final action shall be preceded by a public recital of  
25          the nature of the matter being considered and other information  
26          that will inform the public of the business being conducted.

1 (Source: P.A. 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480,  
2 eff. 9-9-15; 99-642, eff. 7-28-16; 99-646, eff. 7-28-16;  
3 99-687, eff. 1-1-17; 100-201, eff. 8-18-17; 100-465, eff.  
4 8-31-17; 100-646, eff. 7-27-18.)

5 Section 10. The Freedom of Information Act is amended by  
6 changing Section 7 as follows:

7 (5 ILCS 140/7) (from Ch. 116, par. 207)

8 Sec. 7. Exemptions.

9 (1) When a request is made to inspect or copy a public  
10 record that contains information that is exempt from disclosure  
11 under this Section, but also contains information that is not  
12 exempt from disclosure, the public body may elect to redact the  
13 information that is exempt. The public body shall make the  
14 remaining information available for inspection and copying.  
15 Subject to this requirement, the following shall be exempt from  
16 inspection and copying:

17 (a) Information specifically prohibited from  
18 disclosure by federal or State law or rules and regulations  
19 implementing federal or State law.

20 (b) Private information, unless disclosure is required  
21 by another provision of this Act, a State or federal law or  
22 a court order.

23 (b-5) Files, documents, and other data or databases  
24 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or more  
2 law enforcement agencies regarding the physical or mental  
3 status of one or more individual subjects.

4 (c) Personal information contained within public  
5 records, the disclosure of which would constitute a clearly  
6 unwarranted invasion of personal privacy, unless the  
7 disclosure is consented to in writing by the individual  
8 subjects of the information. "Unwarranted invasion of  
9 personal privacy" means the disclosure of information that  
10 is highly personal or objectionable to a reasonable person  
11 and in which the subject's right to privacy outweighs any  
12 legitimate public interest in obtaining the information.  
13 The disclosure of information that bears on the public  
14 duties of public employees and officials shall not be  
15 considered an invasion of personal privacy.

16 (d) Records in the possession of any public body  
17 created in the course of administrative enforcement  
18 proceedings, and any law enforcement or correctional  
19 agency for law enforcement purposes, but only to the extent  
20 that disclosure would:

21 (i) interfere with pending or actually and  
22 reasonably contemplated law enforcement proceedings  
23 conducted by any law enforcement or correctional  
24 agency that is the recipient of the request;

25 (ii) interfere with active administrative  
26 enforcement proceedings conducted by the public body

1 that is the recipient of the request;

2 (iii) create a substantial likelihood that a  
3 person will be deprived of a fair trial or an impartial  
4 hearing;

5 (iv) unavoidably disclose the identity of a  
6 confidential source, confidential information  
7 furnished only by the confidential source, or persons  
8 who file complaints with or provide information to  
9 administrative, investigative, law enforcement, or  
10 penal agencies; except that the identities of  
11 witnesses to traffic accidents, traffic accident  
12 reports, and rescue reports shall be provided by  
13 agencies of local government, except when disclosure  
14 would interfere with an active criminal investigation  
15 conducted by the agency that is the recipient of the  
16 request;

17 (v) disclose unique or specialized investigative  
18 techniques other than those generally used and known or  
19 disclose internal documents of correctional agencies  
20 related to detection, observation or investigation of  
21 incidents of crime or misconduct, and disclosure would  
22 result in demonstrable harm to the agency or public  
23 body that is the recipient of the request;

24 (vi) endanger the life or physical safety of law  
25 enforcement personnel or any other person; or

26 (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request.

2 (d-5) A law enforcement record created for law  
3 enforcement purposes and contained in a shared electronic  
4 record management system if the law enforcement agency that  
5 is the recipient of the request did not create the record,  
6 did not participate in or have a role in any of the events  
7 which are the subject of the record, and only has access to  
8 the record through the shared electronic record management  
9 system.

10 (e) Records that relate to or affect the security of  
11 correctional institutions and detention facilities.

12 (e-5) Records requested by persons committed to the  
13 Department of Corrections, Department of Human Services  
14 Division of Mental Health, or a county jail if those  
15 materials are available in the library of the correctional  
16 institution or facility or jail where the inmate is  
17 confined.

18 (e-6) Records requested by persons committed to the  
19 Department of Corrections, Department of Human Services  
20 Division of Mental Health, or a county jail if those  
21 materials include records from staff members' personnel  
22 files, staff rosters, or other staffing assignment  
23 information.

24 (e-7) Records requested by persons committed to the  
25 Department of Corrections or Department of Human Services  
26 Division of Mental Health if those materials are available

1 through an administrative request to the Department of  
2 Corrections or Department of Human Services Division of  
3 Mental Health.

4 (e-8) Records requested by a person committed to the  
5 Department of Corrections, Department of Human Services  
6 Division of Mental Health, or a county jail, the disclosure  
7 of which would result in the risk of harm to any person or  
8 the risk of an escape from a jail or correctional  
9 institution or facility.

10 (e-9) Records requested by a person in a county jail or  
11 committed to the Department of Corrections or Department of  
12 Human Services Division of Mental Health, containing  
13 personal information pertaining to the person's victim or  
14 the victim's family, including, but not limited to, a  
15 victim's home address, home telephone number, work or  
16 school address, work telephone number, social security  
17 number, or any other identifying information, except as may  
18 be relevant to a requester's current or potential case or  
19 claim.

20 (e-10) Law enforcement records of other persons  
21 requested by a person committed to the Department of  
22 Corrections, Department of Human Services Division of  
23 Mental Health, or a county jail, including, but not limited  
24 to, arrest and booking records, mug shots, and crime scene  
25 photographs, except as these records may be relevant to the  
26 requester's current or potential case or claim.

1           (f) Preliminary drafts, notes, recommendations,  
2 memoranda and other records in which opinions are  
3 expressed, or policies or actions are formulated, except  
4 that a specific record or relevant portion of a record  
5 shall not be exempt when the record is publicly cited and  
6 identified by the head of the public body. The exemption  
7 provided in this paragraph (f) extends to all those records  
8 of officers and agencies of the General Assembly that  
9 pertain to the preparation of legislative documents.

10           (g) Trade secrets and commercial or financial  
11 information obtained from a person or business where the  
12 trade secrets or commercial or financial information are  
13 furnished under a claim that they are proprietary,  
14 privileged or confidential, and that disclosure of the  
15 trade secrets or commercial or financial information would  
16 cause competitive harm to the person or business, and only  
17 insofar as the claim directly applies to the records  
18 requested.

19           The information included under this exemption includes  
20 all trade secrets and commercial or financial information  
21 obtained by a public body, including a public pension fund,  
22 from a private equity fund or a privately held company  
23 within the investment portfolio of a private equity fund as  
24 a result of either investing or evaluating a potential  
25 investment of public funds in a private equity fund. The  
26 exemption contained in this item does not apply to the

1 aggregate financial performance information of a private  
2 equity fund, nor to the identity of the fund's managers or  
3 general partners. The exemption contained in this item does  
4 not apply to the identity of a privately held company  
5 within the investment portfolio of a private equity fund,  
6 unless the disclosure of the identity of a privately held  
7 company may cause competitive harm.

8 Nothing contained in this paragraph (g) shall be  
9 construed to prevent a person or business from consenting  
10 to disclosure.

11 (h) Proposals and bids for any contract, grant, or  
12 agreement, including information which if it were  
13 disclosed would frustrate procurement or give an advantage  
14 to any person proposing to enter into a contractor  
15 agreement with the body, until an award or final selection  
16 is made. Information prepared by or for the body in  
17 preparation of a bid solicitation shall be exempt until an  
18 award or final selection is made.

19 (i) Valuable formulae, computer geographic systems,  
20 designs, drawings and research data obtained or produced by  
21 any public body when disclosure could reasonably be  
22 expected to produce private gain or public loss. The  
23 exemption for "computer geographic systems" provided in  
24 this paragraph (i) does not extend to requests made by news  
25 media as defined in Section 2 of this Act when the  
26 requested information is not otherwise exempt and the only



1 purpose of the request is to access and disseminate  
2 information regarding the health, safety, welfare, or  
3 legal rights of the general public.

4 (j) The following information pertaining to  
5 educational matters:

6 (i) test questions, scoring keys and other  
7 examination data used to administer an academic  
8 examination;

9 (ii) information received by a primary or  
10 secondary school, college, or university under its  
11 procedures for the evaluation of faculty members by  
12 their academic peers;

13 (iii) information concerning a school or  
14 university's adjudication of student disciplinary  
15 cases, but only to the extent that disclosure would  
16 unavoidably reveal the identity of the student; and

17 (iv) course materials or research materials used  
18 by faculty members.

19 (k) Architects' plans, engineers' technical  
20 submissions, and other construction related technical  
21 documents for projects not constructed or developed in  
22 whole or in part with public funds and the same for  
23 projects constructed or developed with public funds,  
24 including but not limited to power generating and  
25 distribution stations and other transmission and  
26 distribution facilities, water treatment facilities,

1 airport facilities, sport stadiums, convention centers,  
2 and all government owned, operated, or occupied buildings,  
3 but only to the extent that disclosure would compromise  
4 security.

5 (l) Minutes of meetings of public bodies closed to the  
6 public as provided in the Open Meetings Act until the  
7 public body makes the minutes available to the public under  
8 Section 2.06 of the Open Meetings Act.

9 (m) Communications between a public body and an  
10 attorney or auditor representing the public body that would  
11 not be subject to discovery in litigation, and materials  
12 prepared or compiled by or for a public body in  
13 anticipation of a criminal, civil or administrative  
14 proceeding upon the request of an attorney advising the  
15 public body, and materials prepared or compiled with  
16 respect to internal audits of public bodies.

17 (n) Records relating to a public body's adjudication of  
18 employee grievances or disciplinary cases; however, this  
19 exemption shall not extend to the final outcome of cases in  
20 which discipline is imposed.

21 (o) Administrative or technical information associated  
22 with automated data processing operations, including but  
23 not limited to software, operating protocols, computer  
24 program abstracts, file layouts, source listings, object  
25 modules, load modules, user guides, documentation  
26 pertaining to all logical and physical design of

1 computerized systems, employee manuals, and any other  
2 information that, if disclosed, would jeopardize the  
3 security of the system or its data or the security of  
4 materials exempt under this Section.

5 (p) Records relating to collective negotiating matters  
6 between public bodies and their employees or  
7 representatives, except that any final contract or  
8 agreement and any agreement that is the subject of a  
9 meeting held under either subsection (e) of Section 7 of  
10 the Illinois Public Labor Relations Act or subsection (d)  
11 of Section 10 of the Illinois Educational Labor Relations  
12 Act shall be subject to inspection and copying.

13 (q) Test questions, scoring keys, and other  
14 examination data used to determine the qualifications of an  
15 applicant for a license or employment.

16 (r) The records, documents, and information relating  
17 to real estate purchase negotiations until those  
18 negotiations have been completed or otherwise terminated.  
19 With regard to a parcel involved in a pending or actually  
20 and reasonably contemplated eminent domain proceeding  
21 under the Eminent Domain Act, records, documents and  
22 information relating to that parcel shall be exempt except  
23 as may be allowed under discovery rules adopted by the  
24 Illinois Supreme Court. The records, documents and  
25 information relating to a real estate sale shall be exempt  
26 until a sale is consummated.

1           (s) Any and all proprietary information and records  
2 related to the operation of an intergovernmental risk  
3 management association or self-insurance pool or jointly  
4 self-administered health and accident cooperative or pool.  
5 Insurance or self insurance (including any  
6 intergovernmental risk management association or self  
7 insurance pool) claims, loss or risk management  
8 information, records, data, advice or communications.

9           (t) Information contained in or related to  
10 examination, operating, or condition reports prepared by,  
11 on behalf of, or for the use of a public body responsible  
12 for the regulation or supervision of financial  
13 institutions or insurance companies, unless disclosure is  
14 otherwise required by State law.

15           (u) Information that would disclose or might lead to  
16 the disclosure of secret or confidential information,  
17 codes, algorithms, programs, or private keys intended to be  
18 used to create electronic or digital signatures under the  
19 Electronic Commerce Security Act.

20           (v) Vulnerability assessments, security measures, and  
21 response policies or plans that are designed to identify,  
22 prevent, or respond to potential attacks upon a community's  
23 population or systems, facilities, or installations, the  
24 destruction or contamination of which would constitute a  
25 clear and present danger to the health or safety of the  
26 community, but only to the extent that disclosure could

1 reasonably be expected to jeopardize the effectiveness of  
2 the measures or the safety of the personnel who implement  
3 them or the public. Information exempt under this item may  
4 include such things as details pertaining to the  
5 mobilization or deployment of personnel or equipment, to  
6 the operation of communication systems or protocols, or to  
7 tactical operations.

8 (w) (Blank).

9 (x) Maps and other records regarding the location or  
10 security of generation, transmission, distribution,  
11 storage, gathering, treatment, or switching facilities  
12 owned by a utility, by a power generator, or by the  
13 Illinois Power Agency.

14 (y) Information contained in or related to proposals,  
15 bids, or negotiations related to electric power  
16 procurement under Section 1-75 of the Illinois Power Agency  
17 Act and Section 16-111.5 of the Public Utilities Act that  
18 is determined to be confidential and proprietary by the  
19 Illinois Power Agency or by the Illinois Commerce  
20 Commission.

21 (z) Information about students exempted from  
22 disclosure under Sections 10-20.38 or 34-18.29 of the  
23 School Code, and information about undergraduate students  
24 enrolled at an institution of higher education exempted  
25 from disclosure under Section 25 of the Illinois Credit  
26 Card Marketing Act of 2009.

1           (aa) Information the disclosure of which is exempted  
2 under the Viatical Settlements Act of 2009.

3           (bb) Records and information provided to a mortality  
4 review team and records maintained by a mortality review  
5 team appointed under the Department of Juvenile Justice  
6 Mortality Review Team Act.

7           (cc) Information regarding interments, entombments, or  
8 inurnments of human remains that are submitted to the  
9 Cemetery Oversight Database under the Cemetery Care Act or  
10 the Cemetery Oversight Act, whichever is applicable.

11           (dd) Correspondence and records (i) that may not be  
12 disclosed under Section 11-9 of the Illinois Public Aid  
13 Code or (ii) that pertain to appeals under Section 11-8 of  
14 the Illinois Public Aid Code.

15           (ee) The names, addresses, or other personal  
16 information of persons who are minors and are also  
17 participants and registrants in programs of park  
18 districts, forest preserve districts, conservation  
19 districts, recreation agencies, and special recreation  
20 associations.

21           (ff) The names, addresses, or other personal  
22 information of participants and registrants in programs of  
23 park districts, forest preserve districts, conservation  
24 districts, recreation agencies, and special recreation  
25 associations where such programs are targeted primarily to  
26 minors.

1           (gg) Confidential information described in Section  
2           1-100 of the Illinois Independent Tax Tribunal Act of 2012.

3           (hh) The report submitted to the State Board of  
4           Education by the School Security and Standards Task Force  
5           under item (8) of subsection (d) of Section 2-3.160 of the  
6           School Code and any information contained in that report.

7           (ii) Records requested by persons committed to or  
8           detained by the Department of Human Services under the  
9           Sexually Violent Persons Commitment Act or committed to the  
10          Department of Corrections under the Sexually Dangerous  
11          Persons Act if those materials: (i) are available in the  
12          library of the facility where the individual is confined;  
13          (ii) include records from staff members' personnel files,  
14          staff rosters, or other staffing assignment information;  
15          or (iii) are available through an administrative request to  
16          the Department of Human Services or the Department of  
17          Corrections.

18          (jj) Confidential information described in Section  
19          5-535 of the Civil Administrative Code of Illinois.

20          (1.5) Any information exempt from disclosure under the  
21          Judicial Privacy Act shall be redacted from public records  
22          prior to disclosure under this Act.

23          (2) A public record that is not in the possession of a  
24          public body but is in the possession of a party with whom the  
25          agency has contracted to perform a governmental function on  
26          behalf of the public body, and that directly relates to the

1 governmental function and is not otherwise exempt under this  
2 Act, shall be considered a public record of the public body,  
3 for purposes of this Act.

4 (3) This Section does not authorize withholding of  
5 information or limit the availability of records to the public,  
6 except as stated in this Section or otherwise provided in this  
7 Act.

8 (Source: P.A. 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; 99-642,  
9 eff. 7-28-16; 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;  
10 100-732, eff. 8-3-18.)

11 Section 15. The Illinois Public Labor Relations Act is  
12 amended by changing Sections 7 and 24 as follows:

13 (5 ILCS 315/7) (from Ch. 48, par. 1607)

14 Sec. 7. Duty to bargain.

15 (a) A public employer and the exclusive representative have  
16 the authority and the duty to bargain collectively set forth in  
17 this Section.

18 For the purposes of this Act, "to bargain collectively"  
19 means the performance of the mutual obligation of the public  
20 employer or his designated representative and the  
21 representative of the public employees to meet at reasonable  
22 times, including meetings in advance of the budget-making  
23 process, and to negotiate in good faith with respect to wages,  
24 hours, and other conditions of employment, not excluded by



1 Section 4 of this Act, or the negotiation of an agreement, or  
2 any question arising thereunder and the execution of a written  
3 contract incorporating any agreement reached if requested by  
4 either party, but such obligation does not compel either party  
5 to agree to a proposal or require the making of a concession.

6 The duty "to bargain collectively" shall also include an  
7 obligation to negotiate over any matter with respect to wages,  
8 hours and other conditions of employment, not specifically  
9 provided for in any other law or not specifically in violation  
10 of the provisions of any law. If any other law pertains, in  
11 part, to a matter affecting the wages, hours and other  
12 conditions of employment, such other law shall not be construed  
13 as limiting the duty "to bargain collectively" and to enter  
14 into collective bargaining agreements containing clauses which  
15 either supplement, implement, or relate to the effect of such  
16 provisions in other laws.

17 The duty "to bargain collectively" shall also include  
18 negotiations as to the terms of a collective bargaining  
19 agreement. The parties may, by mutual agreement, provide for  
20 arbitration of impasses resulting from their inability to agree  
21 upon wages, hours and terms and conditions of employment to be  
22 included in a collective bargaining agreement. Such  
23 arbitration provisions shall be subject to the Illinois  
24 "Uniform Arbitration Act" unless agreed by the parties.

25 The duty "to bargain collectively" shall also mean that no  
26 party to a collective bargaining contract shall terminate or

1 modify such contract, unless the party desiring such  
2 termination or modification:

3 (1) serves a written notice upon the other party to the  
4 contract of the proposed termination or modification 60  
5 days prior to the expiration date thereof, or in the event  
6 such contract contains no expiration date, 60 days prior to  
7 the time it is proposed to make such termination or  
8 modification;

9 (2) offers to meet and confer with the other party for  
10 the purpose of negotiating a new contract or a contract  
11 containing the proposed modifications;

12 (3) notifies the Board within 30 days after such notice  
13 of the existence of a dispute, provided no agreement has  
14 been reached by that time; and

15 (4) continues in full force and effect, without  
16 resorting to strike or lockout, all the terms and  
17 conditions of the existing contract for a period of 60 days  
18 after such notice is given to the other party or until the  
19 expiration date of such contract, whichever occurs later.

20 The duties imposed upon employers, employees and labor  
21 organizations by paragraphs (2), (3) and (4) shall become  
22 inapplicable upon an intervening certification of the Board,  
23 under which the labor organization, which is a party to the  
24 contract, has been superseded as or ceased to be the exclusive  
25 representative of the employees pursuant to the provisions of  
26 subsection (a) of Section 9, and the duties so imposed shall

1 not be construed as requiring either party to discuss or agree  
2 to any modification of the terms and conditions contained in a  
3 contract for a fixed period, if such modification is to become  
4 effective before such terms and conditions can be reopened  
5 under the provisions of the contract.

6 (b) Collective bargaining for home care and home health  
7 workers who function as personal assistants and individual  
8 maintenance home health workers under the Home Services Program  
9 shall be limited to the terms and conditions of employment  
10 under the State's control, as defined in Public Act 93-204 or  
11 this amendatory Act of the 97th General Assembly, as  
12 applicable.

13 (c) Collective bargaining for child and day care home  
14 providers under the child care assistance program shall be  
15 limited to the terms and conditions of employment under the  
16 State's control, as defined in this amendatory Act of the 94th  
17 General Assembly.

18 (d) Notwithstanding any other provision of this Section,  
19 whenever collective bargaining is for the purpose of  
20 establishing an initial agreement following original  
21 certification of units with fewer than 35 employees, with  
22 respect to public employees other than peace officers, fire  
23 fighters, and security employees, the following apply:

24 (1) Not later than 10 days after receiving a written  
25 request for collective bargaining from a labor  
26 organization that has been newly certified as a

1 representative as defined in Section 6(c), or within such  
2 further period as the parties agree upon, the parties shall  
3 meet and commence to bargain collectively and shall make  
4 every reasonable effort to conclude and sign a collective  
5 bargaining agreement.

6 (2) If anytime after the expiration of the 90-day  
7 period beginning on the date on which bargaining is  
8 commenced the parties have failed to reach an agreement,  
9 either party may notify the Illinois Public Labor Relations  
10 Board of the existence of a dispute and request mediation  
11 in accordance with the provisions of Section 14 of this  
12 Act.

13 (3) If after the expiration of the 30-day period  
14 beginning on the date on which mediation commenced, or such  
15 additional period as the parties may agree upon, the  
16 mediator is not able to bring the parties to agreement by  
17 conciliation, either the exclusive representative of the  
18 employees or the employer may request of the other, in  
19 writing, arbitration and shall submit a copy of the request  
20 to the board. Upon submission of the request for  
21 arbitration, the parties shall be required to participate  
22 in the impasse arbitration procedures set forth in Section  
23 14 of this Act, except the right to strike shall not be  
24 considered waived pursuant to Section 17 of this Act, until  
25 the actual convening of the arbitration hearing.

26 (e) Notwithstanding any other provision of this Act, once

1 an agreement is reached between a public employer and the  
2 exclusive representative of a bargaining unit concerning all of  
3 the terms of a collective bargaining agreement, that agreement  
4 shall be reduced to writing and published on the website of the  
5 public employer. Not less than 14 days after publication of the  
6 agreement on its website, the public employer shall hold an  
7 open public meeting on ratification of the agreement. No  
8 agreement concerning all of the terms of a collective  
9 bargaining agreement shall be ratified by the parties until  
10 after the public employer publishes the agreement on its  
11 website and holds an open public meeting on ratification of the  
12 agreement as required under this subsection (e). Upon  
13 ratification, the agreement shall be signed by the parties.  
14 Rejection of an agreement by either the public employer or the  
15 exclusive representative of the bargaining unit shall not  
16 constitute an unfair labor practice.

17 (f) No collective bargaining agreement shall be binding on  
18 any government agency until it has been ratified by a majority  
19 vote of the agency's governing body, with that vote taking  
20 place after the public meeting described in subsection (e) of  
21 this Section.

22 (g) In addition to any collective bargaining agreement  
23 under this Section, any contract between a public employer and  
24 an employee in which the total compensation exceeds \$150,000  
25 shall also be published on the employer's website for a period  
26 of not less than 14 days prior to being signed by both the

1 employer and the employee. If a public contract requires board  
2 approval before it may take effect, then not less than 14 days  
3 after publication of the contract on its website, the public  
4 employer shall hold an open public meeting on the contract. No  
5 contract shall take effect until after the public employer  
6 publishes the contract on its website and holds an open public  
7 meeting on the contract as required under this subsection (g).

8 (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

9 (5 ILCS 315/24) (from Ch. 48, par. 1624)

10 Sec. 24. Meetings. Except as provided under Section 7, the  
11 ~~The~~ provisions of the Open Meetings Act shall not apply to  
12 collective bargaining negotiations and grievance arbitration  
13 conducted pursuant to this Act.

14 (Source: P.A. 83-1012.)

15 Section 20. The Illinois Educational Labor Relations Act is  
16 amended by changing Sections 10 and 18 as follows:

17 (115 ILCS 5/10) (from Ch. 48, par. 1710)

18 Sec. 10. Duty to bargain. (a) An educational employer and  
19 the exclusive representative have the authority and the duty to  
20 bargain collectively as set forth in this Section. Collective  
21 bargaining is the performance of the mutual obligations of the  
22 educational employer and the representative of the educational  
23 employees to meet at reasonable times and confer in good faith

1 with respect to wages, hours and other terms and conditions of  
2 employment, and to execute a written contract incorporating any  
3 agreement reached by such obligation, provided such obligation  
4 does not compel either party to agree to a proposal or require  
5 the making of a concession.

6 (b) The parties to the collective bargaining process shall  
7 not effect or implement a provision in a collective bargaining  
8 agreement if the implementation of that provision would be in  
9 violation of, or inconsistent with, or in conflict with any  
10 statute or statutes enacted by the General Assembly of  
11 Illinois. The parties to the collective bargaining process may  
12 effect or implement a provision in a collective bargaining  
13 agreement if the implementation of that provision has the  
14 effect of supplementing any provision in any statute or  
15 statutes enacted by the General Assembly of Illinois pertaining  
16 to wages, hours or other conditions of employment; provided  
17 however, no provision in a collective bargaining agreement may  
18 be effected or implemented if such provision has the effect of  
19 negating, abrogating, replacing, reducing, diminishing, or  
20 limiting in any way any employee rights, guarantees or  
21 privileges pertaining to wages, hours or other conditions of  
22 employment provided in such statutes. Any provision in a  
23 collective bargaining agreement which has the effect of  
24 negating, abrogating, replacing, reducing, diminishing or  
25 limiting in any way any employee rights, guarantees or  
26 privileges provided in an Illinois statute or statutes shall be

1 void and unenforceable, but shall not affect the validity,  
2 enforceability and implementation of other permissible  
3 provisions of the collective bargaining agreement.

4 (c) The collective bargaining agreement negotiated between  
5 representatives of the educational employees and the  
6 educational employer shall contain a grievance resolution  
7 procedure which shall apply to all employees in the unit and  
8 shall provide for binding arbitration of disputes concerning  
9 the administration or interpretation of the agreement. The  
10 agreement shall also contain appropriate language prohibiting  
11 strikes for the duration of the agreement. The costs of such  
12 arbitration shall be borne equally by the educational employer  
13 and the employee organization.

14 (d) Notwithstanding any other provision of this Act, once  
15 ~~once~~ an agreement is reached between representatives of the  
16 educational employees and the educational employer concerning  
17 the terms of a collective bargaining agreement, that and is  
18 ~~ratified by both parties,~~ the agreement shall be reduced to  
19 writing and published on the website of the educational  
20 employer. Not less than 14 days after publication of the  
21 agreement on its website, the educational employer shall hold  
22 an open public meeting on ratification of the agreement. No  
23 agreement concerning all of the terms of a collective  
24 bargaining agreement shall be ratified by the parties until  
25 after the educational employer publishes the agreement on its  
26 website and holds an open public meeting on ratification of the



1 agreement as required under this subsection (d). Upon  
2 ratification, the agreement shall be signed by the parties.  
3 Rejection of an agreement by the educational employer or by the  
4 exclusive representative of the educational employees shall  
5 not constitute an unfair labor practice ~~and signed by the~~  
6 parties.

7 (e) No collective bargaining agreement shall be binding on  
8 any school board until it has been ratified by a majority vote  
9 of the district's school board, with that vote taking place  
10 after the public meeting described in subsection (d).

11 (Source: P.A. 84-832.)

12 (115 ILCS 5/18) (from Ch. 48, par. 1718)

13 Sec. 18. Meetings. Except as provided in Section 10 of this  
14 Act, the ~~The~~ provisions of the Open Meetings Act shall not  
15 apply to collective bargaining negotiations, including  
16 negotiating team strategy sessions, and grievance arbitrations  
17 conducted pursuant to this Act.

18 (Source: P.A. 100-768, eff. 1-1-19.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.

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2

Statutes amended in order of appearance

3

5 ILCS 120/2

from Ch. 102, par. 42

4

5 ILCS 140/7

from Ch. 116, par. 207

5

5 ILCS 315/7

from Ch. 48, par. 1607

6

5 ILCS 315/24

from Ch. 48, par. 1624

7

115 ILCS 5/10

from Ch. 48, par. 1710

8

115 ILCS 5/18

from Ch. 48, par. 1718